

# **In the Supreme Court of the State of Alaska**

**In the Matter of Wayne Anthony  
Ross, Regarding Sanctions Imposed  
in Green v. Green.**

Supreme Court No. **S-17547**

## **Order**

Motion for Reconsideration of the  
9/1/2020 Full Court Order

Date of Order: **11/05/2020**

Trial Court Case Nos. **3PA-19-01073CI t/w 3PA-18-00868CI**

Before: Bolger, Chief Justice, Winfree, Maassen, Carney, and  
Borghesan, Justices

This case came to us as a petition for review of a June 2019 trial court order imposing sanctions on Wayne Anthony Ross, the defendant's attorney. In a January 21, 2020 order we denied the petition as to the defendant but converted Ross's petition to an appeal under Appellate Rule 204, re-captioning the case as shown above. In that order we noted that the initial filing was late whether considered a petition for review or an appeal, but we relaxed the appellate rules to allow the appeal to proceed. We ordered Ross to file a designation of transcript by February 3, 2020.

Ross filed tardy motions on February 4 and February 18 to extend time to file the designation of transcript. The motions were granted, making the designation due on February 26. Ross again failed to meet the extended deadline. On March 11, though still lacking the overdue designation, the Clerk issued an Opening Notice. Ross filed the designation of transcript on March 20.

The Opening Notice set a deadline of April 20 for both the prepared transcript and the Appellate Rule 221 certificate. On April 22 the Clerk notified Ross that the court had not received a Rule 221 certificate, and Ross was given until May 11 to correct the omission. On April 29 the Clerk issued a similar notice with regard to the

lack of a prepared transcript; Ross was given until May 13 to correct this omission. Both the April 22 and the April 29 notices informed Ross that, absent timely compliance with the new deadlines, the appeal could be dismissed for want of prosecution.

On May 19 the Clerk issued second deficiency notices regarding both the transcript and the Rule 221 certificate. As with the initial notices, these again informed Ross that the appeal could be dismissed if the overdue filings were not made. Ross was granted another extension — to June 2 — to cure the deficiencies.

On June 10 the Clerk dismissed the appeal, citing Ross's failure to timely file the transcript. Ross moved for reconsideration of the dismissal on June 22, accompanying his motion with an uncertified copy of the transcript and an affidavit from the transcriber. On July 8 the court granted the motion and reopened the appeal on condition that *both* the transcript (in its proper form) and the Rule 221 certificate be filed by July 17. The order stated — yet again — that any failure to comply would result in dismissal of the appeal.

Ross filed the transcript by the new deadline but not the Rule 221 certificate as required by the July 8 order, and the Clerk again dismissed the appeal. Ross again moved for reconsideration. The full court reviewed the motion and denied it by order dated September 1, directing the Clerk to close the file. The court issued a Return of Jurisdiction on September 2.

Ross moved to reconsider the September 1 dismissal order on September 23. The motion was again filed late, and at the Clerk's direction Ross filed a motion that we accept the tardy submission. Both the motion for reconsideration and the motion to accept late list reasons for delay, including the retirement of one law partner and the


departure of another; the departure of a long-time paralegal; the death of a staff member's relative; and current staff's unfamiliarity with court deadlines and calendaring. Some of these events apparently date from late 2019, and Ross has been citing them as excuses since early this year. The court notes that "office in turmoil" cannot be used as an excuse in perpetuity, and that lawyers, not their staff, are ultimately responsible for instituting orderly office procedures and complying with deadlines. Our concerns about the state of Ross's practice, as he represents it to be, prompt us to forward a copy of this order to Bar Counsel.

Ross was repeatedly advised that his failure to comply with filing deadlines could result in the dismissal of this appeal for want of prosecution. There is no apparent justification for his many lapses.

**IT IS ORDERED:** The motion for reconsideration is **DENIED**. This appeal remains closed.

Entered at the direction of the court.

Clerk of the Appellate Courts

  
Meredith Montgomery

cc: Judge Woodman  
Trial Court Appeals Clerk  
Bar Counsel

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